

REMARKS

This responds to the Office Action dated August 25, 2004.

No claims are amended. Claims 1–35 are canceled. Claims 43–69 are added. As a result, claims 43–69 are now pending in this patent application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Supplemental Information Disclosure Statement filed on June 10, 2004, marked as being considered and initialed by the Examiner, be returned with the next official communication.

Interview Summary

Applicant's counsel, Suneel Arora, thanks Examiner Oropeza for the brief telephonic interview on October 11, 2004. During the interview, Applicant's counsel noted an intent to expedite prosecution of this case by canceling all pending claims in this case, and substituting the allowed claims of the parent case (U.S. Patent Application Serial Number 09/832,365), of which the present case is a continuation-in-part, with some additional language to distinguish the present case from the parent case. Applicant believes that agreement was reached that such claims would also be allowable. Accordingly, Applicant has cancelled claims 1-35, and is submitting new claims 36-69 with additional language to distinguish these claims from the parent case. Applicant is also submitting an Appendix in which the new claims are presented with new language that was added to the allowed claims of the parent case emphasized by underlining, and language that was removed from the allowed claims emphasized by strikeout.

Objection to the Specification and §112 Rejection of the Claims

1. The amendment filed June 14, 2004 was objected to under 35 U.S.C. 132 as allegedly introducing new matter into the disclosure. Similarly, claims 1, 3-17 and 19-35 were rejected under 35 U.S.C. § 112, first paragraph, as lacking written description and enablement. Applicant respectfully submits that this objection and rejection is moot in view of the cancellation of the previous claims and substitution of the allowed claims (with additional distinguishing language) from the parent case. Accordingly, Applicant respectfully requests withdrawal of this basis of objection and rejection.

2. Claims 1, 3-17 and 19-35 were rejected under 35 USC § 112, second paragraph, for indefiniteness of the term “rate response factor mapping.” Applicant respectfully submits that this rejection is moot in view of the cancellation of the previous claims and substitution of the allowed claims (with additional distinguishing language) from the parent case. Applicant believes that this additional distinguishing language is sufficiently definite, however, if the Examiner disagrees, Applicant respectfully requests a telephonic interview so that such minor issues can be expediently resolved. In sum, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

1. Claims 1, 3-17 and 19-35 were rejected under 35 U.S.C. § 103(a) for obviousness over Sheldon et al. (U.S. Patent No. 6,044,297) in view of Pitts Crick et al. (U.S. Patent No. 6,104,949) and further in view of Hudrlik (U.S. Patent No. 5,282,840) and further in view of Combs et al. (U.S. Patent No. 5,957,861).

Applicant respectfully submits that this rejection is moot in view of the cancellation of the previous claims and substitution of the allowed claims (with additional distinguishing language) from the parent case. Therefore, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

2. Claims 1, 3-10, 13, 17, 19-26 and 31-35 were rejected under 35 U.S.C. § 103(a) for obviousness over Ferek-Petric et al. (U.S. Patent No. 5,913,879) in view of Standberg (EP

0620420A1) and further in view of Hudrlik (U.S. Patent No. 5,282,840) and further in view of Combs et al. (U.S. Patent No. 5,957,861).

Applicant respectfully submits that this rejection is moot in view of the cancellation of the previous claims and substitution of the allowed claims (with additional distinguishing language) from the parent case. Therefore, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DOUGLAS R. DAUM

By his Representatives,

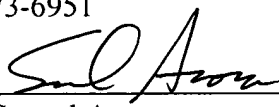
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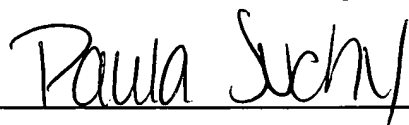
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Date November 23, 2004

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of November, 2004.



Name



Signature